

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
July 7, 1998**

The one thousand seven hundred and ninety-fourth meeting of the Milwaukie City Council was called to order by Mayor Tomei at 7:00 p.m. in the Milwaukie City Hall Council Chambers. The following Councilors were present:

Larry Lancaster
Mary King

Rob Kappa
Jeff Marshall

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant City Manager
Jim Coleman,
City Attorney
Michelle Gregory,
Neighborhood Services
Coordinator

Susan Heiser,
Planning Director
Mike Swanson,
Interim Community Development Dir.
Jim Brink,
Public Works Director
Randy Bruegman,
Fire Chief

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

CONSENT AGENDA

It was moved by Councilor King and seconded by Councilor Marshall to adopt the Consent Agenda that consisted of the following City Council Minutes:

1. June 2, 1998 Work Session
2. June 9, 1998 Work Session
3. June 10, 1998 Work Session
4. June 16, 1998 Work Session
5. June 16, 1998 Regular Session

Motion passed unanimously.

AUDIENCE PARTICIPATION -- None

PUBLIC HEARING

Remanded Portions of the Regional Center Master Plan Implementation Package: File Nos. CPA-97-03R; ZA-97-03R; and ZC-97-03R – Ordinances

Mayor Tomei reopened the Public Hearing on the matter of the Murphy, Providence Milwaukie (Proto Tool), McFarland, and Pendleton properties at 7:05 p.m.

Coleman added this was a continued public hearing that dealt with four sites in a package that involved both legislative text changes and quasi-judicial map and text changes. Part of the original package was remanded to the Planning Commission and is back for Council adoption with recommendations. Each site will be addressed individually. After staff's presentation on each site, the matters will be considered in a quasi-judicial format with public testimony, Council questions, and staff comments. After closure of the hearing, Council will have four ordinances upon which to act.

Councilor Kappa asked a procedural question on ordinance adoption. **Coleman** said each ordinance enacts the Planning Commission's recommendation, the Council will act upon each of the three ordinances individually.

Heiser presented the staff report. At its May 19, 1998 meeting, the City Council adopted a portion of the Regional Center Master Plan relating to the downtown area and remanded the balance to the Planning Commission. The remand portion related to four outlying sites: Murphy, Providence Milwaukie Hospital (Proto Tool) McFarland, and Pendleton Properties. The Planning Commission held its public hearing on June 9, 1998, and recommended approval with some revisions.

Site 2-1 and 2-2 (Murphy Plywood Site)

The first site **Heiser** discussed was Subarea 2 – Murphy Plywood. The language changes having to do with this site were to combine sites 2-1 and 2-2. The general text applied commercial and residential development to the site. The second paragraph referred to development of Business Industrial (B-I) Zone and how light industrial use would be developed on the site. It allows outdoor storage and requires 32nd Avenue and Meek Street property lines be considered front yards with a 20-foot setback. Within those setbacks, landscaping is required in accordance with the regulations in the parking ordinance regarding a

buffer and trees. The applicant would also be required to provide a sight obscuring wooden fence adjacent to the public right-of-way and residential property lines. The Planning Commission may reduce the setback to 10-feet if the developer provides a high quality design with a masonry wall up to 8-feet high, enhanced landscaping, and at least one mixed use overlay design element that would include street lighting, benches, or other types of public amenities.

The Planning Commission recommended combining sites 2-1 and 2-2, and the applicant desires to use both sites in the same fashion. The Murphy Company's representative provided buffer designs included in the staff report as pages V. 32 – V. 35. The buffer was focused along the street and Hillside Manor. The Planning Commission felt the language was sufficient to address a good design from the applicant. She noted one map error that resulted in not all sites being included. It was clear, however, that these were included in the Regional Center Master Plan Map.

Councilor King asked if the intended use was public storage. **Heiser** said there was no specific proposal, but that use would be allowed under the B-I zone. Any application, however, would have to go through Planning Commission review. **Councilor King** was concerned about building height and the possibility of 24-hour lighting. She asked if the existing houses would be taken. **Heiser** responded Murphy owned one of the houses, and it would be demolished.

Correspondence: Chris Bernhardt, WRG Design, Inc., 10450 SW Nimbus Ave., Portland, OR 97223; and Ty Wyman, Bogle & Gates, 200 SW Market St., Suite 600, Portland, OR 97201-5893.

Councilor Kappa asked if the Planning Commission intended to review the development processes. **Heiser** said the mixed use overlay zone requires a minor quasi-judicial review on all aspects of the development.

Speaking in Favor: **Ty Wyman**, Bogle and Gates, 200 SW Market Street – Suite 600, Portland, Oregon 97201-5793. He spoke on behalf of the Murphy Company. The letter he submitted was intended to express Murphy's position on the rezone. The site has been under industrial use for some time with ongoing cleanup efforts. Murphy would like to see light industrial use continued and has been engaged in discussions with staff. The difference between the current manufacturing zone and mixed use is fairly broad. Murphy asked for a rezone that would achieve two purposes: keep current use of property from going non-conforming and provide for transitional redevelopment and allow B-I uses. There are opportunities to provide landscaping and buffering. If the City Council adopted the proposed language, Murphy Company would not oppose the action.

Wyman noted the current tenant, International Paper, recently undertook a lease, and buffering was addressed through the building permit process. The underlying use was not heavy manufacturing and will not be grandfathered in on the site. Murphy wants to remain flexible and perhaps in the future entertain redevelopment proposals. Outside storage, he noted, was an allowed use in a B-I zone.

Councilor King asked the hours of operation. She was concerned about the Hillside Park residents because of the potential for additional light and noise. **Heiser** said there are currently limits on hours of operation. **Wyman** added one of the text provisions was for an 8-foot buffering wall.

Mayor Tomei commented on the letter on staff report page V.56 from Hobson Johnson & Associates regarding appropriate land use. This letter states that the proposed office/retail development is not feasible. The letter on page V.59 regarding the McFarland site says quality office space is lacking, and there is a strong demand for such facilities. She asked for clarification since these sites were about a half-mile apart. **Wyman** said the McFarland site is closer to a proposed light rail station. He recollected the basis for Hobson's conclusion was the office space would have to be rented at Class A rates for which he did not feel there was a market.

Speaking in Opposition: None.

Neutral Comments: **Chris Bernhardt**, WRG Design, 10450 SW Nimbus Avenue, Portland, Oreogn 97223. He clarified Wyman's comments. The McFarland site is close to the Milwaukie MarketPlace, a residential area, and Hwy 224. It is a desirable location.

Site 2-6 (Providence Milwaukie Hospital Site/Proto Tool)

Heiser said the City Council had not directed any language changes, so none were made.

Speaking in Support: None

Neutral Testimony: None

Speaking in Opposition: None.

Site 4-1 (McFarland)

Heiser indicated this triangular site was near the Milwaukie MarketPlace. The City Council had concerns about buffering to the neighborhoods, and the Planning Commission made numerous changes on this site. The density was reduced to a Town Center range of 16 – 24 dwelling units per acre from the previous 25 – 50 units.

The Planning Commission also wanted to ensure the property would remain primarily residential as opposed to commercial. There is a 2:1 square foot ratio for a base, i.e., for each two feet of residential, one square foot of commercial could be developed. If the developer provided specific amenities listed in the mixed use ordinance such as landscaping, enhanced transit access, public art, protected play areas, or special street lighting, the ratio could be reduced to 1:1. The proposed amenities would be reviewed by the Planning Commission. Additional uses were public parks, community meeting areas, youth center, and day care facilities. Hotels and trade or commercial schools were eliminated.

The Planning Commission increased the minimum vegetation to 30%. The height limit within 50 feet of 37th Avenue or Monroe Street was reduced to two stories with the remainder of the development at three stories to provide a transition toward the center of the site. The applicant requested a reduced lot width for town homes to 20-feet, and the Planning Commission addressed this by requiring certain amenities.

Councilor Kappa asked why the Planning Commission had reduced the density to a Town Center designation and asked if a philosophy were developing.

Heiser said it meets the needs the applicant desires, and creates a transition from the higher density downtown to the single-family, R-7 area.

Speaking in Support: **Bernhardt** represented the McFarland development team. The proposal represents a compromise that addresses City, neighborhood, and property owners concerns. The property owner has agreed to reduce the density in order to provide more open space and increase buffering standards. He believed the changes would provide for an attractive and productive development and encouraged Council to adopt the Planning Commission recommendation.

Paul Philips, PacWest Communication, representing McFarland. He expressed his support.

Councilor King was concerned about the park area and asked how the 30% open space would be designed. **Philips** said Council's decision would allow the property owner to move forward with his development plans. Specific layouts would be reviewed by the Planning Commission.

Neutral Testimony: None

Speaking in Opposition: None.

Site 6-1 (Pendleton)

The final site under discussion was Pendleton. The Council's concerns had to do with Title 3 and wetlands issues. Language was added to re-enforce that all reviews will address the Willamette Greenway and Natural Resource Overlay reviews. The final sentence referred to Title 3 compliance.

Councilor Kappa felt there should be reference to the Johnson Creek Resource Management Plan. **Heiser** said it is included with the Willamette Greenway and Natural Resource Overlay reviews, and the Management Plan was adopted as an ancillary document to Comprehensive Plan. She was referencing those overlays in the Zoning Ordinance.

Councilor Kappa discussed Title 3. **Heiser** said in this case, a 50-foot buffer would be required. She was concerned about overlooking other Title 3 essences at this point.

Councilor Kappa did not believe "shall also consider" was strong enough language.

Bartlett said the Council would be under an 18-month requirement to bring City ordinances into compliance with Title 3. This is a way to get Title 3 language on the record for staff and Planning Commission review of this property while the City gets its compliance work done.

Heiser suggested changing "consider" to "require."

Councilor King commented the Council had discussed a museum or hotel at that end of the riverfront redevelopment area and asked if this language would preclude that use. **Heiser** said those were acceptable uses.

Speaking in Support: None.

Neutral Testimony: None.

Speaking in Opposition: None.

Coleman recommended declaring any ex parte contacts at this time.

Councilor Kappa was contacted by a representative of Murphy or McFarland to find out if he had any questions. He did not get any new information.

Councilor Marshall attended part of the Planning Commission presentation, but he did not hear any different information.

Mayor Tomei commended the Planning Commission and Heiser for responding to the Council's request.

Mayor Tomei closed the public testimony portion of the hearing at 7:50 p.m.

Discussion: **Councilor Kappa** comfortable with Planning Commission recommendations and felt the City was moving in the appropriate direction. He wanted to ensure Title 3 compliance and not minimize its impact on regional development. He wanted to change the Pendleton language changed to "shall also comply with Title 3."

It was moved by Councilor King and seconded by Councilor Kappa to read the ordinance amending the City's zoning map by rezoning certain real property from R-2 and M, to R-O-C and the mixed use overlay district (ZC-97-03R) with corrections for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor King and seconded by Councilor Kappa to read the ordinance amending the City's zoning map by rezoning certain real property from R-2 and M, to R-O-C and the mixed use overlay district (ZC-97-03R) with corrections for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor King and seconded by Councilor Kappa to adopt the ordinance amending the City's zoning map by rezoning certain real property from R-2 and M, to R-O-C and the mixed use overlay district (ZC-97-03R) with corrections. Motion passed unanimously.

ORDINANCE NO. 1837:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE 1437, THE COMPREHENSIVE PLAN BY ADOPTING MAP CHANGES TO MAP 7. (CPA-97-03R)

It was moved by Councilor Kappa and seconded by Councilor Marshall to read the ordinance amending ordinance 1712, the Zoning Ordinance, by adding text to section 318, the mixed use overlay zone (ZA-97-03R) with modification to language in Site 6-1 to "shall comply with Title 3 ..." for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor Kappa and seconded by Councilor Marshall to read the ordinance amending ordinance 1712, the Zoning Ordinance, by adding text to section 318, the mixed use overlay zone (ZA-97-03R) with the modification for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilor Kappa and seconded by Councilor Marshall to adopt the ordinance amending ordinance 1712, the Zoning Ordinance, by adding text to section 318, the mixed use overlay zone (ZA-97-03R) with the modification. Motion passed unanimously.

ORDINANCE NO. 1838:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1712, THE ZONING ORDINANCE, BY ADDING TEXT TO SECTION 318, THE MIXED USE OVERLAY ZONE. (ZA-97-03R)

It was moved by Councilor King and seconded by Mayor Tomei to read the ordinance amending the City's zoning map by rezoning certain real property from R-2 and M, to R-O-C and the mixed use overlay district (ZC-97-03R) for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor King and seconded by Councilor Marshall to read the ordinance amending the City's zoning map by rezoning certain real property from R-2 and M, to R-O-C and the mixed use overlay district (ZC-97-03R) for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilor King and seconded by Councilor Kappa to adopt the ordinance amending the City's zoning map by rezoning certain real property from R-2 and M, to R-O-C and the mixed use overlay district (ZC-97-03R). Motion passed unanimously.

ORDINANCE NO. 1839:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY'S ZONING MAP BY REZONING CERTAIN REAL PROPERTY FROM R-2 AND M, TO R-O-C AND THE MIXED USE OVERLAY DISTRICT (ZC-97-03R).

Councilor Marshall complimented all parties involved for their sensitivity to the community.

Councilor Kappa agreed these were important issues for the City, and the property owners were allowed to move forward.

OTHER BUSINESS

Brookside Lift Station Reconstruction Project

Swanson presented the staff report in which the City Council was requested to authorize the Public Works Director to take two actions. The first was to initiate a bid process to reconstruct the Brookside Lift Station and divert the sewage flow to Kellogg Wastewater Treatment Plant. The second was to notify the City of Portland that the City intended to exercise its option to limit its connection to the Lents line for a three-year period ending October 1999.

The lift station was put on line in 1968 and directed flow to the Kellogg Treatment Plant. In 1996, the Public Works Department closed the lift station because of environmental problems with Johnson Creek. Flows were diverted to the Portland system. The City would be liable for a connection fee of \$1,700 for each equivalent dwelling unit (EDU). The City of Portland does have a clause in its ordinance that allows a fee waiver if the connection is terminated within three years.

After reviewing its options, City staff felt the most cost-effective alternative would be reconstruction of the Brookside Station. The project can be bid and constructed within the October 1999 timeframe. The City's rate consultant, Ed Cebon, reviewed the options and recommended the Brookside reconstruction as the most cost effective solution.

It was move by Councilor Marshall and seconded by Councilor King to authorize the Public Works Director to initiate a bid process to reconstruct the Brookside Lift Station and divert the sewage flow to the Kellogg Wastewater Treatment Plant, and to notify the City of Portland that Milwaukie intended to exercise its option to limit its connection to the Lents line for a three-year period ending October 1999; and reject the three original bids for the Brookside Storm Drainage Improvement Project.

Councilor Lancaster asked what mistakes were made in the bidding. **Brink** said it was a clerical error on the part of the bidder.

Motion passed unanimously.

Amend Brookside Storm Project Design Purchase Order

Brink presented the staff report in which the City Council was requested to authorize the City Manager to increase the purchase order to Montgomery Watson from \$25,000 to 37,000 in order to complete the Brookside Storm Improvement Project.

The primary reasons for the increase were outfall considerations pertaining to Division of State Lands, Corps of Engineers, and City of Milwaukie Natural Resources permits and a presentation to the Johnson Creek Watershed Council. The need to re-bid the project also resulted in cost increases.

It was moved by Councilor King and seconded by Mayor Tomei to authorize the City Manager to increase purchase order 980302B for engineering services with Montgomery Watson from \$25,000 to \$37,000 in order to complete Task 2 (Final Design) and Task 3 (Support Services during Bidding) of the Brookside Storm Improvement Project.

Councilor Marshall asked what would happen if the Council did not approve purchase order increase.

Brink said the contract was written on a time and materials basis, and staff and the consultant had estimated the costs. The project involved elements with which the City did not have experience, so staff elected to have the contract written in such a way as to allow flexibility.

Councilor Marshall asked if the money had already been spent.

Brink said Tasks 1 and 2 have been completed in the amount of \$32,000. The original authorized amount was \$25,000 for completion of the full project.

Councilor Kappa said Task 1 went over because of the permits and presentation to the Johnson Creek Watershed Council.

Councilor Marshall found it curious that staff would assume it would get the rest of the money for the project. His other concern was the amount of money the City spent on outside engineering services.

Bartlett said, if the increase was not approved, the City would pay Montgomery Watson \$25,000, and that firm would likely come back on the City through its attorneys to recover the full amount.

Councilor Marshall asked how the project went over the authorized amount.

Brink said this problem could have been caught, and staff should have brought it before Council earlier. Those tasks being done were the minimum amount possible.

Councilor Lancaster said this was characterized as a learning experience and asked if things were accomplished as expeditiously as possible.

Brink said that was the reason staff elected to hire a consultant.

Councilor Lancaster understood the time and materials method was a unique circumstance.

Brink said normally a contract is written with a not-to-exceed amount.

Councilor King asked the hourly rates.

Brink said the hourly rates depended on the level of expertise and type of service. For example, the project engineer's hourly rate was \$100, and the civil engineer's rate was \$75.

Councilor Lancaster followed up on Marshall's comments and asked if it was more cost effective to contract for these types of services rather than having a staff engineer.

Brink said it was more cost effective based on the amount of time available to in-house staff.

Councilor Kappa said these extenuating circumstances have occurred in the past, so staff takes the initiative and completes the project. He recommended staff let the City Council know of these issues in advance in the future.

The motion authorizing the City Manager to increase the Montgomery Watson purchase order passed unanimously.

Consider Test Closure of Station 54

Bartlett presented the staff report in which the City Council was requested to consider a six-month closure of the City Hall Station. This is part of a long-term project in which the City Council and the Oversight Committee considered fire service provision. He provided response charts and overlapping services between Stations 10, 21, 54, and 55. A similar study with Oak Lodge was launched in 1986. The jurisdictions have been working together to provide cost effective fire services and the fastest response times possible. Oak Lodge Fire District became part of Clackamas County Fire District #1 (CCFD #1) effective July 1. He reviewed the public process that considered future delivery options.

The major recommendations had been: close Station 54; develop a functional consolidation agreement; define authority and responsibilities of the chief; review goals and assignments; review and update job descriptions; work toward a strategic plan; develop multi-agency policies and procedures; and develop a single dispatch center. Many of these items have been completed.

He reviewed the per capita fire service costs that included a full merger with CCFD #1; contract for all services; utilize current contracts; or reverting to a standalone department. The first element had been to test the joint operation. Today there is superb fire response that has resulted in a redundant coverage situation. The issue before the City Council at this meeting was one of the outstanding recommendations. The City Hall and Public Safety Building Stations are within a half-mile, and backup is available from Oak Lodge Station 10, the Causey Station 21, and Portland Engine 20. He discussed the costs involved with remodeling the City Hall station that included seismic upgrades. He believed it was time to test the scenario with a four-minute response time target. In the public process, many people had questions about emergency medical services. This service is also provided by AMR, located at Bluebird and River Road.

Councilor Kappa was concerned with Station 26 becoming a volunteer facility and the impact this might have on response times.

Bruegman said this station is on Holcomb, and the primary reason for that change was Oregon City annexation activities. On a day-to-day basis, the impact would be minimal. Stations 54 and 55 are physically very close, and there is about a one-minute response time difference. The overlap from Station 10 to downtown Milwaukie is four minutes, and Station 21 is about five minutes. There would be three engine companies, two truck companies, and a battalion chief within five to six minutes. Station 55 would be downtown in two to two and one-half minutes. In relative fire protection terms, the service level is high. From an Emergency Medical Service (EMS) and Advanced Life Support (ALS) perspective, all engine and truck companies carry one paramedic with equipment. Essentially this configuration allows for five ALS units with transport units operating out of AMR. The recommendation for the test closure was based on redundant coverage.

Councilor Lancaster asked what type of backup agreement there was with the City of Portland. **Bruegman** said there is a mutual aide agreement. If Station 55 was in Portland, Station 21 could respond within four minutes.

Councilor King was concerned with the trains and the ability to serve the Lake Road neighborhood. **Bartlett** said the City Hall and 40th/Harvey Stations were put in place before Hwy. 224 was constructed, and access routes have changed.

Bruegman said Lake Road Station 27 closed about a year ago as a result of Measure 50. That company was moved to Station 21 rather than rebuild the old facility. After looking at response configurations, there is only one small area between Oak Lodge and Gladstone in which the times increased by thirty seconds. Even though the four stations are fairly high volume facilities, he believed if Station 54 were closed, the additional capacity needs would be met. The people at Station 54 would remain employed and would likely restaff truck companies that were reduced as a result of Measure 50.

Councilor Marshall asked if the insurance rating evaluation would be negatively impacted. **Bruegman** anticipated the new equipment on order and the past year's regionalization would balance the closing of Station 54. The reviewer did indicate the City Hall station, from his point of view, was redundant.

Bartlett said what lead him to make this recommendation was that he did not believe there would be a decrease in public health, safety, and welfare. Stations 54 and 55 combined serve half a normal urban call volume. Milwaukie is a suburban city and has alternate resources.

Mayor Tomei asked for more information on calls. **Bartlett** said Snook reported that, if both stations were combined, the call volume was half of what would be expected to run out of a suburban station. He explained his recommendation was not based totally on cost savings.

Mayor Tomei said, if this station were closed, the firefighters would staff other trucks running out of Stations 10 and 21.

Bruegman said others would likely be part of the floater pool. These are preliminary discussions prior to getting Council's direction, and personnel assignments have not been made.

Councilor King asked if the \$150,000 was a yearly cost. **Bruegman** said what has driven the discussion was the need for \$55,000 in just cosmetic remodel expenses. A lot of maintenance has been deferred over the years. The capital items are a ventilation system to extract diesel exhaust and a required seismic renovation.

Councilor Kappa asked if there would ever be times when both Stations 55 and 10 would be outside their boundaries. **Bruegman** said in the event of a major incident, both companies could be called out, but resources would be redeployed on a regional basis. **Bartlett** added there is a strategic call-up plan.

Councilor Kappa was concerned about Station 26. He asked, if Stations 10 and 21 went to the unincorporated area, and, if so, who was their backup.

Bruegman said it would depend on where the incident occurred, and each geographic area has a predetermined response system. He said it was more likely Milwaukie and the North Clackamas area would pull resources from the south than vice versa.

Councilor Lancaster asked which zone had the highest call volume.

Bruegman said there were about 1,800 emergency calls for service last year in Milwaukie. Station 54 had 650 calls, and Station 55 responded to the balance. In comparison, Station 21 ran 2,500 call, and Station 10 had 2,200. By national standards, if a station gets more than 3,500 calls it has reached its capacity for a single company.

Councilor Lancaster asked how the new state-of-the-art dispatch center would help distribute calls appropriately. **Bruegman** said the most critical issue is a single dispatch center. The current operation leaves itself open to problems, errors, and time lost.

Councilor King was concerned the City Hall station would close as the City begins working on downtown redevelopment and asked if the station might be re-opened. **Bruegman** said it would depend on the density and type of development. Most calls, he added, would likely be for EMS services because fire codes require safer buildings.

Mayor Tomei asked how many of the 1,800 calls were for EMS and how many for fire services. **Bruegman** said 70% of the calls were for EMS and 30% for fire-related calls including car and brush fires. There were about 120 structure-related calls last year.

Mayor Tomei said many people have expressed concern with the train and asked if there was data on how much time per day trains are on that track.

Bruegman said last year there were twenty-six trains per day, and twenty of those were Amtrak. Depending on the location of the call, another station would be dispatched if the track were blocked. With the regionalization of services, the dissection of the City is not as critical as in the past.

Mayor Tomei asked how long the gates were down per day on the average.

Bruegman said he estimated about fifteen minutes per day.

Bartlett said the test closure includes documentation and further research on those types of questions. Previously, the station was closed for three months because of budget cuts, and there were no major problems.

Councilor Kappa understood the call volume was increasing annually for all the stations. **Bruegman** said that was correct. **Councilor Kappa** asked if any worse case scenarios would be run during the six month test period. **Bruegman** said people would be re-deployed and response analyses run. **Bartlett** added there would be full report to Council in January.

Mike Miller, 5923 SE Dewey Court, Milwaukie, Oregon, 97222. He spoke in opposition to the closure. He read his comments for the record:

"I have served on the Milwaukie Vision Committee, the Riverfront Development Committee, the Tree Ordinance Committee, and I am presently on the Planning Commission.

I am here to speak in opposition to the closing of the downtown Fire Department. I have major concerns about the safety and emergency response time for those citizens who reside on the south and west of the railroad tracks. Some time ago when this issue was to be considered, I spent from 8 am to 10:30 am at the Public Safety Building. In that time 5 trains, for a total of 28 minutes blocked the track preventing any service from the Public Safety Building to the neighborhoods.

I realize that consolidation and cost cutting is a way of life today, however no one's life or property should be put in jeopardy simply to save money. I have a keen interest in this issue, as I have a daughter, son-in-law, and granddaughter who live on 34th Avenue.

I believe if we can spend a million dollars on acquiring property in the City, we can surely spend \$55,000 to insure the health, property, and safety of our neighborhood citizens.

The citizens of Milwaukie deserve to know the difference in response time, and actual savings, and what will happen to the money saved, should station #54 be closed. All studies of the above mentioned items should be done while the station is open, not closed.

I urge you to vote against the closing of the down town station at this time."

It was moved by Councilor Marshall and seconded by Mayor Tomei to approve a six-month trial closure of Station 54 as proposed by the City Manager.

Mayor Tomei was also concerned. She also lived in an area that could be impacted, but she was in favor of the proposal because she felt it would be an important test. She asked for information on how much time trains do obstruct traffic on Harrison.

Councilor Kappa trusted Bruegman, but he felt there should be better communication between the City and the District. He felt, although he had supported this proposal in the past, there should be ways of conducting tests without closing a station.

Councilor Lancaster wanted accurate information on the train traffic and how long the streets were blocked. He shared concerns, but, based on response times and the locations of the facilities, he did not perceive a significant amount of jeopardy during the proposed test period. This should only be a test period in which to analyze the risks.

Councilor King did not support the proposal. If the City was trying to revitalize its downtown, she was not sure closing the fire station would be good public relations for the City. She suggested having the fire department downtown might also be a deterrent to vandalism. It is good for people to see active City business taking place.

Councilor Marshall said Bruegman was empowered to act as fire chief and provide fire safety. He did not feel either Bruegman or Bartlett would go out of their way to jeopardize the community for \$55,000. Neither has anything to gain, and he found it disturbing the City Council did not trust their judgment to conduct this test closure.

Councilor Kappa said his decision had nothing to do with trust and resented the comment. He was not comfortable with the closing the station based on the available information and suggested there might be an alternate way to conduct the test.

Motion passed 3 – 2 with the following vote: Mayor Tomei, Councilor Lancaster, and Councilor Marshall aye; Councilor Kappa and Councilor King nay.

Consider Municipal Court Judge Contract

Bartlett presented the staff report in which the City Council was requested to authorize the City Manager to renew a three-year Municipal Court Judge contract with Ronald L. Gray in the amount of \$1,500 per month with a \$500 annual allowance for pro-tem judge services. Gray met with the City Council in work session and indicated this would be his first increase in ten years.

It was moved by Councilor King and seconded by Councilor Marshall to authorize the City Manager to renew a three-year Municipal Court Judge contract with Ronald L. Gray in the amount of \$1,500 per month with a \$500 annual allowance for pro-tem judge services.

Councilor Lancaster regretted the viewing audience had not had the opportunity to hear the work session comments. It was clear Gray was an excellent selection, and the increase was reasonable based on performance and longevity.

Councilor King noted Gray had commented on how well mannered Milwaukie residents were in his court.

Motion passed unanimously.

Consider Annual Contracts for Fiscal Year 1998 – 1999 – Resolution

Bartlett presented the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager to sign purchase orders for services that are essential and required for normal City operations during fiscal year 1998 – 1999. These actions reflect, in most cases, a bid process, state bid process, or competitive quotes to select the best value for the City.

Councilor Lancaster asked how the \$25,000 authority figure was determined. **Bartlett** said it has its foundation in the Oregon Administrative Rules and is a discretionary amount based on the elected body's comfort level.

Councilor Marshall asked for a report on inspection services and suggested there might be someone to do this in house instead of contracting with Happy Valley. He also suggested the City might need another engineer on staff.

Councilor Lancaster understood the City's engineers could handle the projects if it were not for other duties. He suggested other staff be hired so engineers could do engineering work.

Councilor Lancaster commented he and Bartlett should discuss his insurance concerns. **Bartlett** said he would arrange a meeting with Sedgwick James as the City's agent of record.

It was moved by Councilor Marshall and seconded by Councilor King to adopt the resolution authorizing the City Manager to sign purchase orders for services that are essential and required for normal City operations during fiscal year 1998 – 1999. Motion passed unanimously.

RESOLUTION NO. 23-1998:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS FOR FISCAL YEAR 1998 – 1999.

Board and Commission Appointment

Mayor Tomei, with Council concurrence, appointed Sue Trotter to the Library Board.

INFORMATION

Safeway Teen Center

Councilor Kappa said the opening had been postponed because of the age of the structure and the need for improvements such as electricity and new cement. Since it will be a pilot project, the City wanted to avoid putting too much money into it. It is scheduled to open July 14. The youth have taken real ownership in the process and the facility. He recognized Bartlett for his involvement and support in the project.

Councilor Marshall suggested one of the youth present the Code of Conduct at the next Council meeting. The Council is supportive of the endeavor, and he wanted the youth to make its commitment and open up that level of communication.

Functional Plan Open House

Heiser said the Open House was scheduled for July 8 from 6:00 p.m. to 8:00 p.m. at the Public Safety Building. There will also be a work session on Saturday, July 11 at 9:00 a.m. that will carry over to July 13 if necessary.

Image Committee

Councilor King discussed the downtown tree planting project.

Ardenwald Neighborhood Grant

It was moved by Councilor Marshall seconded by Councilor Kappa to refer the Ardenwald grant application back to the ad hoc Grant Award Committee to reconsider the amount requested and to determine if it wishes to rectify a math error. Motion passed unanimously.

Councilor King said the neighborhood children enjoyed the first Ardenwald Summer Reading Program and the free books that were made available to them through the grant program.

Resources Management Council Memorandum

Bartlett said he was designated to assist state in developing its strategic plan for information technology resources.

ASPECT Program

The Japanese exchange students will arrive on July 27, and the welcome party will be the following day. **Councilor Kappa** suggested Milwaukie's exchange student address the Council before he leaves for Japan.

ADJOURNMENT

It was moved by Councilor King and seconded by Councilor Marshall to adjourn the meeting. Motion passed unanimously.

Mayor Tomei adjourned the meeting at 9:35 p.m.

Pat DuVal, Recorder